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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,931	04/21/2004	Daniel J. Brink	BRIN:001A	5108

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EXAMINER

QUINN, COLLEEN M

ART UNIT PAPER NUMBER

3634

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/828,931	<b>Applicant(s)</b> BRINK, DANIEL J.	
	<b>Examiner</b> Colleen M. Quinn	<b>Art Unit</b> 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 11-17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Foreign Reference Abstract</u> .       |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 refers to the "seating platforms." There is insufficient antecedent basis for this reference in the claim as prior to that statement only "articulated platforms" were claimed. Appropriate correction is required.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 requires "at least one wheel" mounted on the platform, and does not distinctly claim if the "at least one wheel" is the wheel of claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Klipfel (US 2,960,992). Klipfel discloses two planar (Specification: column 2, lines 31-31) articulated platforms (16,17), the platforms are movable (Figure 2) between an extended position (Figure 1) and a stowed position (Figure 3), pivoting 180°, a plurality

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of supports (36) and at least one wheel (121) rotatably mounted (122) to one of the platforms. The platform structure includes a handle (unnumbered, Figures 1-3) for mounting means and a canopy (11) and canopy frame (12), detachably mountable (76) to the platforms and supports, forming a hunting blind.

Claims 1-6 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (US 6,035,875). Chen discloses two planar (Figures 1-4) articulated platforms (11,12), the platforms are movable (Figure 5) between an extended position (Figure 1) and a stowed position (Figure 6), pivoting 180°, a plurality of supports (56) and at least one wheel (55) rotatably mounted (51) to one of the platforms. The platform structure includes mounting means (50,61), and a canopy (20) and canopy frame (30), detachably mountable (13) to the platforms and supports, forming a hunting blind.

Claims 1, 5 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita (US 6,061,970). Fujita discloses a platform structure comprising at least two planar (Figure 1) articulated platforms (S1-4, T), the platforms movable (Figure 3) between an extended position (Figures 1 and 2) and a stowed position (Figure 6), a plurality of supports (7), at least one wheel (9) rotatably mounted (8B-8D) to one of the platforms and a link plate (13), capable of acting as a mounting means.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

401 Claims 1,5-10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable <sup>claims 1-6 & 20</sup> over Ross (US 2,549,242) in view of Klipfel, as applied to ~~claim 1~~ <sup>claim 1</sup> above, and further in view of Merigot (EP 372284).

Ross discloses at least two articulated (13) planar (Figure 1) platforms (10-12), movable (figure 8) between an extended position (Figures 2-3) and a stowed position (Specification, lines 46-48), a plurality of supports (25, 25', 26, 26'), attached at the outer portions of the platforms, (figure 2), the intermediate platform being pivotal 180° relative to the first end of the platform in a first rotational direction and the second platform being pivotal 180° relative to the intermediate platform in a second direction from the stowed position (Figures 1-2). Ross fails to disclose at least one wheel rotatably mounted on the platform, intermediate supports pivoting 90° relative to the other end of each platform and an elongated orifice in the platforms.

Klipfel teaches two planar (Specification: column 2, lines 31-31) articulated platforms (16,17), the platforms are movable (Figure 2) between an extended position (Figure 1) and a stowed position (Figure 3), pivoting 180°, a plurality of supports (36) and at least one wheel (121) rotatably mounted (122) to one of the platforms for transportation means. Therefore, to one of ordinary skill, it would have been obvious to

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provide the articulated platforms of Ross with the wheels, as taught by Klipfel, in order to provide ease in transporting the platforms when in stowed position.

Merigot teaches articulated platforms (3,4), with end supports (15) and intermediate supports (16) that pivot 90° relative to the other end of each platform (Figure 10), providing for a compact arrangement when in stowed position. Merigot also teaches an elongated orifice (25) in the panels that is used for the handling and gripping ability when transporting the panels. Therefore, to one of ordinary skill, it would have been obvious to provide the platforms of Ross with the pivoting supports as taught by Merigot in order to provide support to all platforms and a compact arrangement when in stowed position and the elongated orifice as taught by Merigot to provide gripping means and ease when transporting the panels.

### ***Allowable Subject Matter***

Claims 11-17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for allowable subject matter in claim 11 is the inclusion of a canopy and canopy frame detachably mounted to the platforms and supports.

1491 The primary reason for allowable subject matter in claim 12 is the inclusion of a pair of first poles and a pair of second poles detachably mountable to the first and second platforms respectively, and third and fourth poles detachably mountable to the intermediate platforms.

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4n1 The primary reason for allowable subject matter in claims 13-16 is the attachment means in which the canopy frame attaches to the platforms via passage holes in the platforms and receiving holes in the support braces.

The primary reason for allowable subject matter in claim 17 is the inclusion of the storage compartment mounted to the first and third supports.

The primary reason for allowable subject matter in claim 19 is the inclusion of the camouflage pattern on the canopy.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sanders (US 4,830,036), Craig (US 5013085), Diaz (US 3147497), Horn (2,668,331), Wells (US, 2452,169), Lafferty (6,637,349) and Bliss (4,951,781) all teach folding platforms, some with canopies, frames and pivoting supports.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen M. Quinn whose telephone number is (571) 272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMQ  
05/01/06

  
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